

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA**  
**Plaintiff**

v.

**Case Number 4:95CR3060**

**USM Number 14652-047**

**MICHAEL J. NICKOLITE**  
**Defendant**

**Michael J. Hansen**

**Defendant's Attorney**

**JUDGMENT IN A CRIMINAL CASE  
(For Revocation of Probation or Supervised Release)**

**THE DEFENDANT** admitted guilt to allegations 1 and 3 of the Petition for Warrant or Summons for Offender Under Supervision (filing 81).

**ACCORDINGLY**, the court has adjudicated that the defendant is guilty of the following offenses:

<b><u>Allegation Number</u></b>	<b><u>Nature of Violation</u></b>	<b><u>Date Violation Concluded</u></b>
1 (Standard Condition #7)	The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.	October 6, 2005
3 (Special Condition #4)	The defendant shall submit to a drug test within fifteen (15) days of commencement of supervision and at least two (2) periodic tests thereafter to determine whether the defendant is using a controlled substance. Further the defendant shall submit to such testing as requested by any United States Probation officer to detect the presence of alcohol or controlled substances in the defendant's body fluids and to determine whether the defendant has used any of those substances.	October 30, 2005

**Original offense:** Count I of the Indictment: Conspiracy to distribute methamphetamine, in violation of 21 U.S.C. 846.

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

Allegation 2 of the Petition for Warrant or Summons for Offender Under Supervision (filing 81) is dismissed on the motion of the United States.

Following the imposition of sentence, the Court advised the defendant of his right to appeal pursuant to the provisions of Fed. R. Crim. P. 32 and the provisions of 18 U.S.C. § 3742 (a) and that such Notice of Appeal must be filed with the Clerk of this Court within ten (10) days of this date.

**IT IS ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence:  
January 10, 2006

s/ Warren K. Urbom  
United States Senior District Judge

January 10, 2006

Defendant: MICHAEL J. NICKOLITE  
Case Number: 4:95CR3060

Page 3 of 4

## IMPRISONMENT

It is ordered that the defendant's supervised release is revoked. The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of **90 days with no supervised release to follow.**

The Defendant shall surrender to the United States Marshal for this district **no later than 2:00 p.m. on January 13, 2006.**

## ACKNOWLEDGMENT OF RECEIPT

I hereby acknowledge receipt of a copy of this judgment this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

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\_\_\_\_\_  
Signature of Defendant

## RETURN

It is hereby acknowledged that the defendant was delivered on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, with a certified copy of this judgment.

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\_\_\_\_\_  
UNITED STATES WARDEN

By: \_\_\_\_\_

**NOTE: The following certificate must also be completed if the defendant has not signed the Acknowledgment of Receipt, above.**

## CERTIFICATE

It is hereby certified that a copy of this judgment was served upon the defendant this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

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\_\_\_\_\_  
UNITED STATES WARDEN

By: \_\_\_\_\_

Defendant: MICHAEL J. NICKOLITE  
 Case Number: 4:95CR3060

Page 4 of 4

## CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth in this judgment.

<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$50.00 ( <b>PAID #18666</b> )	

## SCHEDULE OF PAYMENTS

Payment of any special assessment shall be due in full immediately (**Paid**).

All payments made by the defendant on any special assessment are to be made to the Office of the Clerk, United States District Court, P.O. Box 83463, Lincoln, NE 68501.

## RIGHT TO APPEAL

The defendant is advised of the defendant's right to appeal the sentence imposed by the court and of the defendant's right to appeal in forma pauperis if the defendant is unable to pay the costs of an appeal. Specifically, the defendant is advised that he defendant may file a notice of appeal with the clerk of this order for review of the defendant's sentence if the sentence: 1) was imposed in violation of law; 2) was imposed as a result of an incorrect application of the sentencing guidelines; or 3) is greater than the sentence specified in the applicable guideline range to the extent that the sentence includes a greater fine or term of imprisonment, probation, or supervised release than the maximum established in the guideline range, or includes a more limiting condition of probation or supervised release under 18 USC 3563(b)(6) or (b)(11) than the maximum established in the guideline range; or 4) was imposed for an offense for which there is no sentencing guideline and is plainly unreasonable. Any such notice of appeal must be filed by the defendant with the clerk of this court within ten (!0) days after the entry of (i) the judgment or order appealed from or (ii) a notice of appeal by the Government. If the defendant so requests, the clerk of the court shall prepare and file forthwith a notice of appeal on behalf of the defendant.

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CLERK'S OFFICE USE ONLY:

ECF DOCUMENT

I hereby attest and certify this is a printed copy of a document which was electronically filed with the United States District Court for the District of Nebraska.

Date Filed: \_\_\_\_\_

DENISE M. LUCKS, CLERK

By \_\_\_\_\_ Deputy Clerk